IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 672 OF 1989

WITH

CRIMINAL APPEAL NO. 673 OF 1989

The State of Maharashtra ..Appellant
versus
1. Bhoju @ Bhajanlal Jethanand Aswani, Age 22 years, Camp No.3, Barrack No. 824/6 Section No. 17, Ulhasnagar Dist : Thane
2. Manu Radhamal Basantani age 28 years, R/o. Camp No. 3, Barrack NO. 824, Section No.17 Ulhasnagar, Dist: Thane
3. Aku @ Nand Tekchand Makhija age 23 years, R/o. Camp No.3 Barrack No.824/8, Section No.17 Ulhasnagar, Dist: Thane
4. Ganesh @ Kalu Prataprao Jeswani, age 22 years, R/o. Camp No. 3, Barrack No.1177 Forward Line, Ulhasnagar Dist: Thane
5. Shankar Dhirumal Rohida age 22 years, R/o. Camp No.3 Barrack No 838/8, Ulhasnagar Dist : Thane ..Respondents (Original Accused)

Mr. D. R. More, APP for the Appellant - State.

Mr. Ganesh Gole for the Respondents - Original Accused.

CORAM : D. G. DESHPANDE, &
S. R. SATHE, JJ.

DATE : 15TH JANUARY, 2007.

OPERATIVE PART OF THE ORDER :

For reasons separately recorded, the following order is passed:

ORDER

. Both the Appeals are allowed.

. Acquittal of all the accused is set aside and the conviction of accused No.1 under Section 323 is also set aside.

. All the accused are held guilty under Sections 147, 148, 149, 325 and 354 of IPC.

. All the accused are convicted under Section 147 of IPC and are sentenced to suffer R.I. for one year with fine of Rs.500/- (Rupees Five Hundred) each in default R.I. for one month each.

. All the accused are convicted under Section 148 of IPC and are sentenced to suffer R.I. for one year with fine of Rs.500/- (Rupees Five Hundred)

each in default R.I. for one month each.

. All the accused are convicted under Section 325 of IPC and are sentenced to suffer R.I. for three years with fine of Rs.10,000/- (Rupees Ten Thousand) each in default R.I. for six months each.

. All the accused are convicted under Section 354 r/w 149 of IPC and are sentenced to suffer R.I. for one year with fine of Rs.500/- (Rupees Five Hundred) each in default R.I. for one month each.

. All the substantive sentences to run concurrently.

. All the Accused to surrender within a period of four weeks from today. If they fail to surrender, the trial court to take appropriate action against them under Criminal Procedure Code and send them to jail for undergoing sentence. Their Bail bonds stands cancelled.

. If the fine is recovered, 3/4th of the same shall be given to the heirs of deceased, as compensation.

(D.G. DESHPANDE, J.)

(S. R. SATHE, J.)